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5 Attorneys for Defendants
Unifund CCR Partners;
6 Unifund Portfolio A, LLC;
Matthew W. Quall;
7 Lang, Richert & Patch, A Professional Corporation;
EDP/One Touch;
8 J. Ascorra;
J. Williams
9

10 UNITED STATES DISTRICT COURT OF CALIFORNIA
11 NORTHERN DISTRICT OF CALIFORNIA

12 JAGDEEP S BIDWAL,

13 Plaintiff,

14 vs.

15 UNIFUND CCR PARTNERS;
16 UNIFUND PORTFOLIO A, LLC;
MATTHEW W. QUALL; LANG,
17 RICHERT & PATCH, A
PROFESSIONAL CORPORATION;
18 EDP/ONE TOUCH; J. ASCORRA; J.
WILLIAMS; AND DOES 1 TO 10;

19 Defendants.
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21 _____

Case No. 3:17-cv-02699-LB

**DEFENDANTS' *EX PARTE* MOTION
FOR ADMINISTRATIVE RELIEF
RE: EXTENSION OF TIME TO
OPPOSE APPLICATION FOR
ATTORNEY'S FEES AND COSTS
[LOCAL RULE 7-11]**

The Honorable Laurel Beeler

1 Defendants UNIFUND CCR PARTNERS; UNIFUND PORTFOLIO A, LLC;
2 MATTHEW W. QUALL; LANG, RICHERT & PATCH, A PROFESSIONAL
3 CORPORATION (collectively “Defendants”), by and through their counsel of record,
4 Tomio B. Narita, hereby submit this Motion for Administrative Relief pursuant to
5 Local Rule 7-11. Defendants are requesting an additional three weeks time to
6 respond to Plaintiff’s Motion for Attorney’s Fees and Costs (Docket 112). Prior to
7 filing this motion, counsel for Defendants requested that counsel for Plaintiff agree to
8 this brief continuance as a professional courtesy, but counsel for Plaintiff refused.

9 This was simple case, filed on behalf of a single plaintiff under the Fair Debt
10 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* There were no motions filed by
11 the defendants. There were no depositions taken by any party. The case never even
12 got close to a trial. Although Defendants knew the case had zero merit, rather than
13 fight the case, Defendants made multiple attempts to reach a reasonable settlement.
14 After many failed attempts, Defendants finally settled with plaintiff. The settlement
15 requires this Court to retain jurisdiction to decide on the amount of fees and costs to
16 be awarded to counsel for plaintiff.

17 On December 28, 2018, pursuant to the parties’ agreement, this Court issued an
18 order dismissing the action with prejudice, and retaining jurisdiction to decide
19 Plaintiff’s Motion for Attorney’s Fees and Costs.

20 On January 28, 2019, Plaintiff filed a Motion for an Award of Attorney’s Fees
21 and Costs (Docket 112), and plaintiff set the Hearing for March 7, 2019. In his
22 motion, Plaintiff seeks a whopping **\$359,865.00 in attorney’s fees** to be awarded to
23 three separate law firms for handling this routine FDCPA case. In support of the
24 motion, counsel for Plaintiff filed three separate declarations totaling 108 pages,
25 along with a declaration of a purported expert witness who attaches a his own 45-
26 page declaration.

27 As this Court has noted at prior status conferences in this matter, it is common
28 in cases of this nature for the attorney’s fees to be the tail that wags the dog. It

1 appears, however, that counsel for plaintiff in this action are trying to set some sort of
2 record for the size of the tail. An attorney's fee application of this size might be
3 warranted following a lengthy trial of a complicated and hotly-contested case. In a
4 simple case like this, the request is nothing short of breathtaking.

5 Counsel for Defendants, Tomio B. Narita, has requested that Plaintiff agree to
6 a three-week extension to file the Opposition to the Motion, so that he may properly
7 address all of the issues raised by this enormous fee request. Mr. Narita does not
8 have sufficient time to adequately prepare a response (which is now due on February
9 11, 2019), because he will be out of town during the week of February 4, 2019,
10 presenting at a professional conference. In addition, Mr. Narita is hampered in his
11 ability to respond to the motion, because the associate attorney who worked with him
12 on the case is no longer employed by his law firm.

13 In order to address a fee request of this incredible size, counsel will need to
14 conduct substantial legal research, will need to work with his client and with third
15 parties to prepare declarations to oppose the motion, and will need to spend extensive
16 time analyzing each of the individual time entries submitted by counsel for Plaintiff
17 in order to explain to the Court the reasons why fees for many of the dozens and
18 dozens of time entries must be denied completely or substantially reduced.

19 Defense counsel respectfully requests that this Court grant its request for
20 administrative relief, and that the Court continue the deadline for Defendants to file
21 an Opposition to motion until March 4, 2019. Defendants further request that any
22 reply be filed within fourteen days of the response, and that the Court set a hearing
23 date that is convenient for the Court's calendar.

24
25 DATED: January 29, 2019

SIMMONDS & NARITA LLP
TOMIO B. NARITA

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27 By: /s/ Tomio B. Narita
28 Tomio B. Narita
Attorney for Defendants